DOCUMENT RESUME

ED 108 079 CG 009 898

AUTHOR Fishel, Andrew
TITLE The Politics of Sex Discrimination in Education: A Comparative Analysis.
PUB DATE Apr 75
NOTE 29p.; Paper presented at the Annual Meeting of the American Educational Research Association (Washington, D. C., March 30-April 3, 1975); for related document, see CG 009 899
AVAILABLE FROM Center for the Study of Sex Differences in Education, 3701 Stewart Drive, Chevy Chase, Maryland 20015

EDRS PRICE MF-$0.76 PLUS POSTAGE. HC Not Available from EDRS.
DESCRIPTORS *Comparative Analysis; *Educational Policy; *Educational Practice; *Political Attitudes; Political Power; *Sex Discrimination; Speeches
IDENTIFIERS *Maternity Leave

ABSTRACT

This paper analyzes the position and behavior of the participants involved in three reform efforts undertaken at the national level. Specifically, the paper analyzes the position taken by groups in: (1) oral arguments before the U. S. Supreme Court on cases involving maternity leave policies for public school teachers; (2) testimony before Congressional committees on the Women's Educational Equity Act; and (3) comments submitted to HEW's Office of Civil Rights on the proposed Title LX regulations. Lastly, the paper provides an overall assessment of the political alignment of groups on sex discrimination issues in education, and discusses the impact of this alignment for future efforts to eleminate sex-biased policies and practices. (Author/PC)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED108079.

THE POLITICS OF SEX DISCRIMINATION IN EDUCATION: A COMPARATIVE ANALYSIS

ANDREW FISHEL
OFFICE OF THE SECRETARY
U. S. DEPT. OF HEALTH, EDUCATION, AND WELFARE

HARD COPY NOT AVAILABLE

PERMISSION TO REPRODUCE THIS COPYRIGHTED MATERIAL BY MICROFICHE ONLY HAS BEEN GRANTED BY
Andrew Fishel
TO ERIC AND ORGANIZATIONS OPERATING UNDER AGREEMENTS WITH THE NATIONAL INSTITUTE OF EDUCATION. FURTHER REPRODUCTION OUTSIDE THE ERIC SYSTEM REQUIRES PERMISSION OF THE COPYRIGHT OWNER.

Paper Prepared For Presentation At The Annual Meeting Of The American Educational Research Association Meeting, Washington, D. C., April 1975

The Views Expressed In This Paper Are Those Of The Author And Do Not Represent The Official Position Of The Dept. Of Health, Education, and Welfare.

CG009898

The existence of sex discrimination in education is currently being challenged by a wide variety of sources and by a number of different political methods. This challenge is not going uncontested. Existing educational policies and practices which are under attack for being sex-biased are frequently defended by government agenices and private interest groups. The clash between the forces urging change and the forces protecting the status quo has taken place regarding a number of different issues. This paper will analyze the position and behavior of the participants involved in three reform efforts undertaken at the national level. Specifically, this paper analyzes the position taken by groups in: 1) oral arguments before the U. S. Supreme Court on cases involving maternity leave policies for public school teachers; 2) testimony before Congressional committees on the Women's Educational Equity Act; and 3) comments submitted to HEW's Office of Civil Rights on the proposed Title IX regulations. Lastly, the paper provides an overall assessment of the political alignment of groups on sex discrimination issues in education, and discusses the impact of this alignment for future efforts to eliminate sex-biased policies and practices.

Groups Involved on the Maternity Leave Case

In October 1973, the U. S. Supreme Court heard oral arguments on two cases involving maternity leave policies for public school teachers. The legality of school board maternity leave polices had been subject to numerous court tests prior to October 1973. In some of the cases, maternity leave requirements were upheld and in others they were struck down by the courts. As a result school districts in different parts of

the country, and sometimes in different parts of the same state, were guided by different judicial decisions on the issue of maternity leave. The legality of mandatory time limits for maternity leave became totally confused when the U. S. Court of Appeals in the Fourth and Sixth Circuits handed down contradictory decisions on the issue.

Because there had not been a consistent pattern of judicial rulings on the issue, both the defenders and opponents of mandatory maternity policies for teachers had reason to be uncertain whether their position would be sustained by the Supreme Court. If the Supreme Court's decision went against them, previous legal efforts and court victories could have been negated. For this reason, the decision of the Supreme Court on these two cases was of substantial importance to women teachers and school boards, and the interest of these groups was to be expected. Surprisingly, the outcome on these cases was also viewed as important to groups which had little or no direct involvement with or concern for education. Labor groups, businesses and business organizations and State agencies, as well as women groups, were all concerned with the issues raised by these cases and were also concerned with the basis for the court's ruling. As a result, an extremely diverse collection of groups filed amicus curiae briefs with the Supreme Court. It should be noted that the preparation of an amicus brief can, on cases of this nature, require a substantial commitment of staff time. It is, therefore, meaningful to look at which organizations were willing to commit their staff resources to the preparation of this brief, and why they considered

the cases to be of such great interest to their organization. Table 1 presents a listing of the groups filing amicus briefs.

As Table 1 indicates, fourteen groups contributed to the nine amicus cusiae briefs which were filed for both sides on these cases. Ten of the groups contributed to five briefs supporting the teachers, while four groups supported the position of the school boards in individually prepared briefs.

The stated interest in the case expressed by the groups in their briefs varied widely as shown in Table 2.

As Table 2 shows, the interests in these cases fall into six general categories. Despite the fact that they were cases involving public school teachers, the implications of the cases for women teachers and students was cited by only three of the fourteen groups. An example of this concern was expressed in the NEA-WEAL brief, which stated that maternity leave policies were "part of a pattern of discrimination against women which has long existed, and still exists, in the nation's public school systems." On the opposite side, the Virginia brief maintained that the policy was necessary in order to "provide for continuity in the educational process."

Although not a direct issue in these cases, the validity of EEOC regulations and the scope of Title VII on the issue of maternity leave was cited as the reason for their interest by three groups. Because of its concern that the EEOC regulations be upheld, the United States in its brief described EEOC's guidelines as "an expert finding by a body with unique experience in the area," entitling its regulations be given great weight. in contrast, the Chamber of Commerce brief maintained that EEOC's 1972

TABLE 1

Groups Filing Amicus Curiae Briefs Before The U. S. Supreme Court on Cleveland Board of Education v. LaFleur and Cohen v. Chesterfield County School Board

BRIEFS SUPPORTING TEACHERS

1. National Education Association

   Women's Equity Action League Educational and Legal Defense Fund

2. American Civil Liberities Union

   American Federation of Teachers, AFL-CIO

   American Jewish Congress

   National Organization for Women, Legal Defense and Education Fund

3. International Union of Electrical, Radio and Machine Workers, AFL-CIO-CLC

4. United States

5. State of Maryland Commission on Human Relations

   Women's Law Center

BRIEFS SUPPORTING SCHOOL BOARDS

1. Commonwealth of Virginia

2. Chamber of Commerce of the United States of America

3. Delta Airlines

5. Attorney General of California on Behalf of the California Department of Human Resources Development

TABLE 2

Interest in Case Stated by Groups
In Their Amicus Curiae Brief

INTEREST:	Concern for Implications of the Cases for Women Teachers and Students
GROUPS:	NEA, WEAL, Virginia
INTEREST:	Concern for the Validity of EEOC Maternity Leave Regulations and Coverage of Maternity Leave under Title VII of the Civil Rights Act of 1964
GROUPS:	U. S., Maryland Commission on Human Relations, Chamber of Commerce
INTEREST:	Concern for Right of Women to Participate Fully in Economic Activities Throughout Their Lives
GROUPS:	WEAL, ACLU, AJC, NOW, Women's Law Center
INTEREST:	Concern for Right of Businesses to Establish Personnel Policies for Employees
GROUPS:	Virginia, Chamber of Commerce, Delta Air Lines, California Dept. of Human Resources Development
INTEREST:	Concern for Protection of Rights of Women Members of Their Organization
GROUPS:	NEA, AFT, NOW, International Union of Electrical, Radio and Machine Workers
INTEREST:	Involved in Similar Case on Maternity Leave Policies
GROUPS:	International Union of Electrical, Radio and Machine Workers, Women's Law Center, Delta Airlines, California Dept. of Human Resources Development

opinion relating to the pregnancy and childbirth was entitled to no weight by the court because it was "inconsistent with prior opinions, because it was not issued when Title VII was enacted, and because it demonstrated none of the thoughtfulness commonly associated with Agency expertise."

The right of women to participate fully in economic activities throughout their lives was a concern cited by five groups. An example of this was expressed in the ACLU brief which emphasized the disadvantaged treatment women received because of their unique childbearing function and stated that this headed the list of arbitrary barriers that plagued women seeking equal employment opportunity.

The right of businesses to establish rational personnel policies for their employees was cited in all four briefs supporting the position of the school boards. An example of this concern can be seen in the Delta brief which stated that the "need for predictability in the private sector of business operations justifies an employment policy which establishes a definite cutoff date for the commencement of maternity leave." Similarly, the Virginia brief defended mandatory maternity leave by stating that 3% of the teachers in the State become pregnant each year and that in order to deal with a population of this size "it would appear to be entirely reasonable for school officials to alleviate the disadvantages caused to the pupils by teacher absence."

A concern for the rights of the women who were members of their organization was expressed by four groups, three of which were collective

bargaining agents. The IUE, for example, cited in its brief the attempts it had made in the past to obtain, through collective bargaining, provisions which would assure its females the right to continue work at their usual job during pregnancy and the right to be accorded the same terms and conditions of employment as any disabled employee during any period they are unable to work.

Finally, two of the groups filing briefs in support of the teachers and two of the groups filing briefs supporting the school boards explained their interest in these cases as being based on the fact that they were involved in similar cases relating to maternity leave policies. Delta Air Lines and IUE, in particular, presented extensive medical evidence obtained in other cases in which they were involved to support their position in these cases.

To summarize, although the Supreme Court cases involved sex discrimination on an educational policy, many of the groups involved were not education groups and the issues raised were frequently unrelated to education. It can be seen from this case that when a controversial issue with broad implications reaches the Supreme Court, the scope of interested parties broadens considerably. What had been, at the District and Appelate Court levels, a narrow dispute between women teachers and their school boards eventually became a case with wide-ranging implications not only for educators but also for women groups, labor organizations, civil liberties groups, national and state government civil rights agencies, businesses, and departments of state government. With the introduction of these other

interests in the case, the group alignment which had existed previously was drastically changed. Powerful and influential groups committed their legal staffs to produce briefs on both sides of the issue.

While it is impossible to determine the impact of the briefs on the eventual Supreme Court decision, it should be pointed out that although the Court ruled in favor of the teachers it was less than a complete victory. The basis for the Court's ruling was violation of the due process clause rather than violation of equal protection, thus narrowing the impact of the decision considerably. In addition, the Court made it clear in its written opinion that it would give school boards considerable latitude in the development of maternity leave policies which were more reasonable. Lastly, the Court did not rule at all on a number of important issues related to maternity leave such as use of sick leave, the right of teachers to return to former position and continued coverage of teachers under health and life insurance policies while on leave. Similarly, the Court did not rule on the validity of the EEOC guidelines on maternity leave.

Groups Involved on the Women's Educational Equity Act

Four days of hearings on the Women's Educational Equity Act were held before the House Subcommittee on Equal Opportunities in July and September 1973. Two days of hearings on the proposed Act were also held before the Senate Subcommittee on Education in October and November 1973. A total of 35 individuals and groups either testified at these hearing or submitted

written position statements for the record. A listing of the individuals and groups taking a position on the bill is presented in Table 3.

As Table 3 shows, only the Department of Health, Education, and Welfare opposed passage of the bill. Another group, the National Association of Secondary School Principals, was quite guarded in its statement of support and expressed serious reservations about the purpose the bill was to serve. NASSP claimed that the under-representation of women on college faculties was probably due as much to the choices of women as it was to discrimination against them and it was certain that this was the case with secondary school principals. As such the organization opposed "any attempt to force over-simplified and mechanical solutions to complex problems."[1/]

With the exception of HEW and NASSP, the other thirty-three individuals and groups gave almost unqualified support to the bill. Included among those supporting the bill were 15 educational and academic groups, 6 women groups and 12 individuals, including 8 Democratic and 1 Republican members of Congress. There were few real issues raised at the hearings in regard to either the need for the legislation or the specific contents of the bill. Putting it quite simply, HEW did not want the bill in any form, while the other witnesses were generally willing to accept the bill in any form as long as it provided funding for programs aimed at women.

1/ Letter from Owen Kiernan, Executive Secretary, National Association of Secondary School Principals to Walter Mondale, contained in Women's Educational Equity Act of 1973, Hearings Before the Sub-Committee on Labor and Public Welfare, U. S. Senate, 93rd Congress 1st Session, p. 286.

TABLE 3

Positions of Groups and Individuals Presented at Hearings on the Women's Educational Equity Act

Support (33)

Education and Academic Groups (15)

Women's Equity Action League
Council for University Women's Progress, University of Minnesota
Association of American Colleges
American Council on Education
National Education Association
American Personnel and Guidance Association
American Federation of Teachers, AFL-CIO
American Association of University Women
National Council of Administrative Women in Education
Sociologists for Women in Society
National School Boards Association
Association for Supervision and Curriculum Development
National Vocational Guidance Association
National Student Lobby
Committee to Study Sex Discrimination in Kalamazoo Public Schools

Women Groups (6)

National Organization for Women
National Women's Political Caucus
Interstate Association of Commissions on the Status of Women
National Council of Jewish Women
Hawaii State Commission on the Status of Women

Individuals (12)

Harold Howe, Ford Foundation
Billy Jean King
William Holmes, President, Simmons College
Rep. Bella Abzug
Rep. Patricia Schroeder
Rep. Leonor Sullivan
Rep. William Lehman
Rep. Fortney Stark
Rep. Clardiss Collins
Rep. Edward Patten
Rep. Matthew Rinado
Rep. Don Edwards

Support with Reservations (1)

National Association of Secondary School Principals

Oppose (1)

Department of Health, Education, and Welfare

The real purposes served by the hearing appear to be three-fold. First, the hearings provided an excellent forum for the presentation of extensive documentation on the existence of sex discrimination in education. Placing this type of documentation in the record added to the legitimacy of the claims made by the supporters of the Act that there was a real need to fund programs aimed specifically at women. Secondly, the hearings provided an opportunity to place on the record before Congress criticisms of HEW's handling of the issue of sex discrimination in education. Lastly, the hearings provided the forum for forcing HEW officials to respond to this criticism.

Statements critical of HEW on the issue of sex discrimination in education were presented by a large number of groups. For example, Bernice Sandler, testifying on behalf of the Association of American Colleges, stated outright that without the bill "the likelihood of any substantial effort for developing women's programs by OE is very small, considering OE's past history."[1/] The same point was also made by Katherine Cole of the Resource Center on Sex Roles in Education who stated that only a miniscule amount of research and demonstration funds awarded by OE and NIF were going for programs for women. She stated, "given the current situation of increasing educational costs and declining Federal support of educational activities, it is naive

1/ Statement of Bernice Sandler, Ibid., p. 50

to assume that programs for increasing women's educational opportunities will be developed without specific designation of funds for these activities.[1/] Similarly, Ann Scott, representing NOW, reported that "NOW has serious doubts about HEW's concern whether or not women suffer discrimination in education."[2/] Scott claimed in her testimony that the Department's poor track record on issues related to sex discrimination told the real truth about HEW's concern for women. As such, Scott said it was clear that HEW would not move to help women unless required to do so by Congress, describing HEW's position as "aggressive indifference to the discrimination against women."[3/]

Although it was faced with empirical documentation of sex-bias in education which had been presented by respected individuals and organizations, HEW officials steadfastly refused to deviate for their official position that no legislation was necessary. HEW officials claimed at the hearings that everthing that could be done under the Act could already be done by the Department under existing authorities. When asked if the Department would be willing to compromise at all in its position in opposition to the Act, HEW officials refused to deviate from their position. Instead, the Department's representatives claimed that since it had recently made commitments to move on

1/ Statement of Katherine Cole, The Women's Educational Equity Act, Hearings Before the Subcommittee on Equal Opportunities of the Committee on Education and Labor, House of Representatives, 93rd Congress, 1st Session, p. 232.

2/ Statement of Ann Scott, Hearings Before the Subcommittee on Education. p. 72.

3/ Ibid., p. 73.

the issue of sex discrimination in education, it now needed time to put the commitments into effect before it could decide if any new legislation was needed to help solve the problem.

The Women's Educational Equity Act eventually passed Congress as part of the broader Education Amendments of 1974. It is unlikely that the testimony presented at the committee hearings had any impact on the eventual passage of the Act. However, the hearings did have the effect of subjecting the Department of Health, Education, and Welfare to severe public criticism because of its lack of attention to sex discrimination in education. The hearings also demonstrated to the Department that there was a substantial number of powerful interest groups and influential members of Congress who were quite closely monitoring the Department's activities in this area. As such, the hearings are believed to have made HEW leaders more concerned about how its policies effected women than would otherwise have been the case.

It should be emphasized that the Act does not force any college or university or state or local education agency to do anything about discriminatory policies or practices. Participation in all programs funded under the Act will be entirely voluntary. Therefore, the Act did not constitute a threat to any educational interest. As such, the broad-based support that the Act received from educational interest groups should not be considered as a deep commitment on the part of these groups to achieving equality of educational

opportunity for women. A far better indicator of a group's commitment to eliminating sex discrimination in education is the position they took on the proposed Title IX regulations.

Groups Involved on Title IX

In June 1974 the Department of Health, Education, and Welfare published its proposed regulations to implement Title IX of the Education Amendments of 1972 in the Federal Register. Two years in the writing, the regulations when released were quite comprehensive, touching almost every aspect of the educational process. HEW solicited public comments on the proposed regulations. By the end of the four month comment period over 9,700 comments had been received. Comments sent to HEW were available for inspection to anyone who cared to read them.

The comments on Title IX submitted by organizations provide a unique opportunity to determine the positions of a wide variety of groups on issues relating to sex discrimination in education. Because all aspects of the education system would be effected by Title IX, the positions taken on the regulations provide an accurate portrait of organizational positions, far more accurate than could ever be obtained by hypothetical questions posed in interviews or questionnaires. The organizations submitting comments clearly took the process seriously and had spent a considerable amount of time preparing their response in the hope of influencing with their arguments the eventual policy promulgated by HEW.

Probably the most highly publicized comments submitted on the regulations were the WEAL-Abzug analysis of Title IX which was published in the Congressional Record on July 18, 1974. The positions taken in this analysis were used as the focus for analyzing the positions taken by other groups. The extent to which groups and categories of groups supported or opposed the WEAL-Abzug recommendations on several issues was determined. For the purpose of this analysis, six of the most controversial issues in the proposed regulations were identified. Three of these issues related to student policies and three related to employment policies. The issues which provided the basis for this analysis were:

1. Whether to cover sex-bias in textbooks.

   The proposed regulations did not cover textbooks. WEAL recommended that the regulations require procedures to review and evaluate textbooks for sexist-bias.

2. Whether to prohibit all single sex courses with the exception of sex education.

   The proposed regulations contained this requirement. WEAL supported the requirement and emphasized that the requirement for integrated physical education classes be retained.

3. Whether to prohibit single sex scholarships except scholarships awarded as part of affirmative action plans.

   The proposed regulations contained this requirement. WEAL urged that the regulations continue to forbid all single sex financial awards.

4. Whether to mandate that permanent part-time employees receive fringe benefits.

Although this was required in the proposed regulations, the Secretary specifically requested comments on this provision. WEAL urged that permanent part-time employees receive fringe benefits on a pro-rated basis.

5. Whether to mandate equal contributions and equal benefits in retirement plans.

   The proposed regulations permitted either equal contributions or equal benefits, however, the Secretary specifically invited comments on this issue. WEAL recommended requiring both equal contributions and equal benefits.

6. Whether to mandate that all aspects of maternity leave be treated the same as other temporary disabilities.

   Although the regulations stated that pregnancy should be treated as a temporary disability, several provisions of the regulations specially differentiated the procedures for maternity leave from other temporary disabilities. The proposed regulations would require: 1) notification of delivery date; 2) a physician's certification of ability to return to work; and 3) a teacher remain on leave until the beginning of the first full academic semester following her physician's certification that she was able to work. WEAL recommended that these three provisions be deleted in order for pregnancy to be truly treated as just another temporary disability.

For the purpose of this study only those comments submitted by national organizations, national government commissions, state education leaders and college and university administrators were analyzed. The comments from fifty groups and seventy-four college and

university administrators were analyzed for their position on six key issues. Table 4 list the groups whose comments were analyzed and the categories used to analyze the responses.

Table 5 presents the per cent of groups in a category which supported the WEAL-Abzug position in their comments. As this table shows, all the women groups submitted comments in agreement with WEAL's position on four of the six issues. One of the seven women groups (NAWDAC) submitting comments on the coverage of textbooks opposed the WEAL position. The NAWDAC was also the only group, out of the three groups submitting comments, which opposed the requirement for integrated classes. With these two exceptions, all the comments submitted by the other nine women groups agreed with the positions stated in the WEAL-Abzug analysis. As such, the WEAL-Abzug comments accurately reflect the position of all women groups on these issues. Therefore, the extent to which groups took positions in agreement with or opposing the positions taken by WEAL can used to determine the alignment of groups on these issues.

As can be seen in Table 5, teacher groups, student groups and national government commissions submitted comments in total agreement with the WEAL positions on all the issues. In contrast, all of the comments submitted by State School Boards Associations were the opposite of the positions recommended by WEAL.

Elementary and Secondary education groups were evenly divided in their positions on the issues of textbook coverage and single sex courses.

TABLE 4

Groups Whose Title IX Comments Were Analyzed

Women Groups (10)

1. Women's Equity Action League
2. NOW Legal Defense and Education Fund
3. National Federation of Business and Professional Women's Clubs
4. Federation of Organizations for Professional Women
5. National Association of Women Deans, Administrators and Counselors
6. Citizens' Advisory Council on the Status of Women
7. Interstate Association of Commissions on the Status of Women
8. American Association of University Women
9. League of Women Voters

Elementary and Secondary Education Groups (3)

1. National School Boards Association
2. Council of Chief State School Officers
3. National Association of Secondary School Principals

Teachers Groups (3)

1. NEA
2. AFT
3. AAUP

Higher Education Groups (9)

1. Association of American Universities
2. American Council on Education
3. Association of American Colleges
4. American Association of Community and Junior Colleges
5. National Association of State Universities and Land-Grant Colleges
6. American Association of Presidents of Independent Colleges and Universities
7. Association of American Law Schools
8. National Association of College and University Business Officers
9. National Association of Student Financial Aid Administrators

TABLE 4 (CONT'D)

Student Groups (2)

1. National Student Lobby
2. Intercollegiate Association of Women Students

Athletic Groups (5)

1. National Collegiate Athletic Association
2. National Intramural Association
3. Society of State Directors of the Health, Physical Education and Recreation
4. National Association for Girls and Women in Sport
5. Association for Intercollegiate Athletics for Women

National Government Commissions (2)

1. EEOC
2. U. S. Commission on Civil Rights

State School Boards Associations (5)

1. Kentucky
2. Minnesota
3. Ohio
4. Pennsylvania
5. Wisconsin

Chief State School Officers (11)

1. California
2. Florida
3. Illionis
4. Indiana
5. Kansas
6. Maryland
7. Minnesota
8. New York
9. Utah
10. Vermont
11. Washington

TABLE 4 (CONT'D)

College and University Administrators (74)

1. University of Alabama
2. Alfred University
3. American University
4. Arizona State University
5. University of Arizona
6. Auburn University
7. Ball State University
8. Bank Street College
9. Boston College
10. Bradley University
11. Bucknell University
12. California Institute of Technology
13. California State University
14. University of California
15. City University of New York
16. Colby College
17. Columbia University
18. Cornell University
19. Duke University
20. Fordham University
21. Hampshire College
22. Harvard University
23. University of Hawaii
24. University of Idaho
25. Indiana State University
26. University of Indiana
27. Iowa State University
28. University of Iowa
29. Jacksonville University
30. Kansas State University
31. University of Kansas
32. Kent State University
33. University of Kentucky
34. Lehigh College
35. Marquette University
36. University of Maryland
37. Massachusetts Institute of Technology
38. University of Miami
39. Michigan State University
40. Montana State University
41. Mount Holyoke College
42. University of Nebraska
43. University of Nevada
44. University of New Hampshire
45. New York University
46. University of North Carolina
47. North Dakota State University
48. Northern Arizona University
49 Ohio State University
50. Oklahoma State University
51. University of Oklahoma
52. Penn State University
53. University of Pittsburgh
54. Purdue University
55. University of Rochester
56. Rockefeller University
57. Seton Hall University
58. State University of New York/Albany
59. South Dakota State University
60. University of Southern California
61. Southern Illionis University
62. Susquehanna University
63. Tulane University
64. Utah State University
65. University of Utah
66. Union College
67. Vanderbilt University
68. University of Virginia
69. Wayne State University
70. Wellesley College
71. West Texas State University
72. University of West Virginia
73. University of Wisconsin - Milwaukee
74. University of Wyoming

TABLE 5

Per Cent of Groups Supporting WEAL-Abzug Positions

Position	Women Groups	Elementary and Secondary Education Groups	Teacher Groups	Higher Education Groups	Student Groups	Athletic Groups	National Government Commissions	State School Boards Associations	Chief State School Officers	College and University Administrators
Cover Sex-Bias in Textbooks	87%	50%	100%	0%	100%	—	100%	0%	86%	11%
Prohibit All Single Sex Courses	67	50	100	0	100	—	100	0	40	9
Prohibit Single Sex Scholarships	100	—	100	14	100	—	100	—	100	7
Mandate Permanent Part-time Employees Receive Fringe Benefits	100	—	100	0	100	0	—	0	100	9
Mandate Equal Contributions and Benefits in Retirement Plans	100	0	100	38	100	100	100	0	75	18
Mandate That All Aspects of Maternity Leave Be Treated As Other Temporary Disabilities	100	0	100	67	100	100	100	0	60	44

Note: Not every group in a category submitted comments on every issue.

The NSBA opposed coverage of textbooks while the Council of Chief State School Officers (CCSSO) agreed with the WEAL position and favored covering textbooks in the regulations. The CCSSO also supported the position taken by WEAL on the requirement for integrated courses, but this requirement was opposed by the NASSP. NSBA was the only elementary and secondary group submitting a comment on the maternity leave issue and it opposed treating maternity leave the same as other temporary disabilities.

The individual Chief State School Officers who submitted comments were generally in agreement with the WEAL positions with the exception of the prohibition on all single sex courses. It is interesting to note the extreme differences between the positions taken by State School Boards Associations and the positions taken by Chief State School Officers. Clearly, the lay and professional education leaders submitting comments perceived the issues involved from entirely different perspectives.

All of the athletic groups submitting comments on the issue of single sex courses (including the Association for Intercollegiate Athletics for Women) opposed the requirement for integrated courses because they favored the continuation of the option to offer single sex physical education classes. Only one athletic group (National Association for Girls and Women in Sports) submitted comments on any of the other issues and NAGWS supported the WEAL position in all of its comments.

The higher education groups and the individual college and university administrators who submitted comments generally disagreed with

the positions taken by WEAL. Only on the issue of treating maternity leave as a temporary disability did a majority of higher education groups side with the WEAL position. In fact, several higher education groups (National Association of State Universities and Land-Grant Colleges, American Association of Presidents of Independent Colleges and Universities, National Association of Student Financial Aid Administrators) took positions opposite those of WEAL on every issue on which they commented. Similarly, the Association of American Colleges and American Council of Education opposed the WEAL position on five of the six issues (the exception being the maternity leave issue). When the comments of the individual college and university administrators are analyzed, it is found that 78% of the administrators took positions on every issue on which they commented which were opposed to the WEAL recommendations. In constrast, only 7% of the 74 administrators uniformly supported the WEAL position throughout their comments on the various issues.

Table 6 presents the per cent of all the comments submitted by groups on the six issues which were supportive of the positions taken by WEAL. This table dramatically illustrates the political alignment which exits on the proposed regulations. Strongly supporting the recommendations made by WEAL are student groups, national government commissions, teacher groups, and women groups. Strongly opposed to the policy suggestions made by WEAL are the higher education groups, college and university administrators and State School Boards Associations.

TABLE 6

Per Cent of Groups Supporting
WEAL-Abzug Positions on Six Key Issues

Category	Per Cent Supporting
Student Groups	100%
National Government Commissions	100
Teacher Groups	100
Women Groups	95
Chief State School Officers	66
Athletic Groups	43
Elementary and Secondary Education Groups	40
Higher Education Groups	21
College and University Administrators	14
State School Boards Associations	0

The Chief State School Officers, athletic groups and elementary and secondary education groups can be characterized as mixed in their reactions to the WEAL positions.

It appears that groups representing women, teachers, students, and national civil rights commissions have a substantially different view from public school and higher education administrators on what constitutes sex discrimination in education and what procedures should be required to eliminate it. Since the final regulations to implement Title IX have not been made public, it is not possible to determine at this time which groups had their positions reflected in the regulations. However, it is clear that no matter what decisions the Department of Health, Education, and Welfare and the President make on these and other Title IX issues, there will be a substantial number of groups which will adamantly disagree with these decisions.

Conclusion

The judicial, legislative and administrative policy-making processes all were focal points for interest group conflicts on issues concerning sex discrimination in education. These cases demonstrate that the nature and scope of the issue determines, to a large extent, the number and type of groups which become involved in the policy-making process. Only in the case involving the constitutionality of maternity leave policies did groups such as Delta Airlines, Chamber of Commerce and International Union of Electrical, Radio and Machine Workers, with clearly

no interest in education, become involved. In the other cases, the network of actors was limited mainly to education and women groups.

The positions taken by the participants on these issues followed a predictable pattern. Four groups (WEAL, NOW, NEA, AFT) were active in all three cases and seem to form the nucleus of a coalition of groups aimed at challenging discriminatory educational practices. Several other groups (including ACLU, AAUW, National Student Lobby and Interstate Association of Commissions on the Status of Women) actively supported the proposed changes in two of the cases. Supporting the other side of the issue, business interests, allied with school and college administrators and their organizations, resisted and opposed the changes.

While almost all groups were willing to support an act such as the Women's Educational Equity Act which does not require them to change any policies or spend any money, this support is not present under other circumstances. When mandatory policy changes, especially those requiring budgetary expenditures are involved, the political alignment is quite different. The alignment of groups on Title IX indicates that opposition to women's rights proposals will be quite strong from a large number of groups. Unfortunately, voluntary corrective programs such as the Women's Education Equity Act which can obtain broad political support, are useful, but certainly will not be sufficient to eliminate sex-bias in education. In order for meaningful change to be accomplished, there will have to be strict enforcement of Title IX, as well as additional court cases similar to the maternity leave cases.

Based on the comments submitted on Title IX, it is clear that many public school and college administrators will delay and resist making policy changes which they oppose as long as possible. The Title IX comments also demonstrate that if HEW does not strictly and promptly enforce these regulations, a large number of groups will lodge protests. How HEW will react to these cross-pressures is unclear at this time. If past experience involving race discrimination is used as a guide, it appears that the Department will engage in extended negotiations aimed at achieving voluntary compliance before it initiates formal enforcement procedures. As such, where voluntary compliance does not occur, the process of enforcement can be expected to require an extended period of time.[1/] Therefore, it probably would be a mistake for those groups supporting prompt changes to be entirely dependent on enforcement of Title IX to achieve this end. Instead, the best hope for the fast elimination of discriminatory policies and practices appears to be effective action by teachers, students and parents. In the employment area, in particular, the collective bargaining process could be utilized at the elementary and secondary levels, and where available at the college level, to accomplish most of the changes that will be required by Title IX.

1/ For a recent evaluation of HEW's approach to civil rights enforcement see, U. S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort-1974, Vol. III, To Ensure Equal Educational Opportunity (Washington, D. C.: U. S. Commission on Civil Rights, January 1975).